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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
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Item 4 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Memorandum submitted by the International Labour Office

I. RATIFICATION OF CONVENTIONS

1. Since the previous session of the Sub-Commission, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) has received two further ratifications (Latvia and Azerbaijan), bringing the number of States bound by it to 111. The Equal Remuneration Convention, 1951 (No. 100) has also received two further ratifications (Latvia and Azerbaijan), bringing the total number of ratifications to 113. The Workers with Family Responsibilities Convention, 1981 (No. 156) has received one further ratification (Ethiopia), bringing the total number to 18. The Employment Policy Convention, 1964 (No. 122) has received two further ratifications (Latvia and Azerbaijan), bringing the total number to 75. The Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) have not received any further ratification, the total numbers of ratifications remaining at 38 and 18 respectively. The Indigenous and Tribal Peoples Convention, 1989 (No. 169) came into force on 5 September 1991, thereby closing for ratification Convention No. 107, and has received four ratifications (Bolivia, Colombia, Mexico and Norway). The entry into force of this Convention closed for ratification the Indigenous and Tribal Populations Convention, 1957 (No. 107), and three of the ratifications

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of Convention No. 169 led to an "automatic" denunciation of the ratifications of Convention No. 107. The Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) has received no further ratification, the total number of ratifications remaining at 31. The Vocational Rehabilitation and Employment Convention, 1983 (No. 159) has received six new ratifications (Azerbaijan, Costa Rica, Ethiopia, Paraguay, Philippines and Yemen), bringing the total number of ratifications to 40.

II. APPLICATION OF CONVENTIONS

2. Within the framework of the regular programme for the supervision of ILO Conventions and Recommendations, the Committee of Experts on the Application of Conventions and Recommendations made a number of comments to ratifying States at its session of March 1992, which are contained in its annual report to the International Labour Conference. 1/ This report was in turn discussed during the 79th session of the International Labour Conference (June 1992) by the tripartite Committee on the Application of Conventions and Recommendations, which invited some 60 Governments to appear before it and provide more detailed explanations concerning points raised by the Committee of Experts. 2/

3. In addition to its comments on the application of Conventions by ratifying countries, the Committee of Experts carries out a special examination every four years of action taken concerning the elimination of discrimination, on the basis of special reports on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) from countries that have not ratified it. Reports were requested for the Committee's 1992 session from the 40 ILO member States which had not ratified the Convention at the time the request for reports was dispatched; 18 of these States provided reports (and in addition a number of other States have joined the organisation since the beginning of the present year). Five of the States which replied stated that they were envisaging ratification of the Convention at a more or less early date, and four others that they were contemplating ratification. Two stated that they were not contemplating ratification. Seven of the countries which reported indicated the difficulties which are standing in the way of ratification, and these difficulties are specified in the Committee of Experts' report.

III. ADOPTION OF NEW STANDARDS

4. At its 78th session (June 1991) the International Labour Conference adopted the Working Conditions (Hotels and Restaurants) Convention (No. 172) and Recommendation (No. 179), providing for special protection for workers in this industry. At its 79th session (June 1992), under way as the present report was being prepared, the Conference was holding the second discussion of proposed new standards on protection of workers in the case of the insolvency of their employers, expected to be adopted this year; and the first of two planned discussions was held which will lead to the adoption of standards on prevention of industrial disasters.

IV. ACTION AGAINST APARTHEID IN SOUTH AFRICA

5. Since the previous session of the Sub-Commission, ILO has continued its anti-apartheid activities under the updated Declaration concerning Action against Apartheid in South Africa, adopted by the International Labour Conference at its 75th session in 1988. Activities for following up and monitoring measures against apartheid taken or not taken by ILO's constituent members were mainly carried out through the Group of Independent Experts responsible for following up and monitoring the implementation of sanctions and other action against apartheid, the Committee on Discrimination of the ILO Governing Body and the International Labour Conference's Committee on Action against Apartheid.

6. The Group of Independent Experts, set up in 1989, has continued its work and since our previous report has held three meetings: in Washington and New York in September 1991, in Geneva in March 1992, and in New York in April 1992. At those meetings the Group of Independent Experts considered the replies received from Governments and from employers' and workers' organizations to the revised questionnaire on the implementation of the Declaration concerning Action against Apartheid in South Africa and the accompanying Programme of Action.

7. It also approved two studies carried out under its auspices: one on the embargo on exports of coal from South Africa and another on sanctions and their effects on employment in South Africa.

8. The reports of those meetings of the Group of Independent Experts were submitted to the Committee on Discrimination of the ILO Governing Body at its sessions in November 1991 and May-June 1992 and to the International Labour Conference's Committee on Action against Apartheid at its 79th session in June 1992.

9. As in previous years, the Committee on Action against Apartheid considered, at the 78th session of the International Labour Conference in 1991, the Special Report of the Director General on the Application of the Declaration concerning Action against Apartheid in South Africa, as well as the report containing documents relating to the work done by the Committee on Discrimination of the ILO Governing Body. A similar report is also being submitted at the 79th session.

10. In adopting the report of its Committee on Action against Apartheid, the Conference called for the maintenance of all existing sanctions against South Africa while urging the Government to speed up the process of negotiations to bring about the total dismantling of apartheid and the creation of a non-racial, democratic society.

11. Noting that the present state of violence in South Africa is a major obstacle to the negotiation process, the Conference appealed to all parties concerned to put an end to it. The Conference considered that the South African Government ought to admit that it is responsible, in the last resort, for peace and stability in the country.

12. The Conference welcomed the repeal of the laws considered to be the pillars of apartheid and noted with satisfaction that the South African employers' and workers' organizations had reached agreement with the Government to establish the rights which the Labour Relations Act had curbed.

13. Nevertheless, the Conference considered that those changes had not affected most of the foundations of apartheid. All constituent members of ILO should make increased efforts to explain the real situation and to bring pressure to bear on the Government of South Africa to induce it to apply, in full, the agreements which it has concluded with the anti-apartheid movements concerning the release of all political and trade union detainees and the unconditional return of exiles.

14. For its part, ILO should provide increased assistance to democratic organizations of workers in South Africa without in any way undermining the sanctions policy. When a non-racial employers' organization has been created, it should also be able to benefit from ILO's assistance.

15. Furthermore, ILO should convene, within the next 12 months, a tripartite international conference in and for southern Africa to study specific proposals for regional integration and to examine the situation in South Africa with a view to making suggestions to the International Labour Conference at its next session on the measures to be taken in the light of that situation.

16. In order to follow-up that recommendation, the Governing Body, at its 251st session held in November 1991, decided to accept the invitation of the Government of Zimbabwe to hold the conference at Harare from 5 to 8 May 1992 and to include in its agenda the social, economic and labour aspects of subregional integration in southern Africa after apartheid and recent events relating to apartheid in southern Africa.

17. The Harare tripartite conference recommended, inter alia, that ILO should prepare technical assistance projects for employers' and workers' organizations provided that they were non-racial, democratic and prepared to accept international labour standards. The projects could be implemented after the establishment of an interim Government.

18. Technical cooperation activities are still an important part of ILO's work against apartheid. During the period concerned, ILO continued to make specific technical contributions to the pilot centre for vocational training for the African National Congress (ANC) at Dakawa in the United Republic of Tanzania. A subegional seminar on the role of employers' organizations in the front-line States in providing refugee victims of apartheid with training for the purpose of developing small enterprises was organized at Harare in February 1991 in cooperation with UNHCR and the Zambian Federation of Employers.

19. Assistance to the Pan-African Congress of Azania (PAC) included an assessment of PAC's manpower requirements and the organization of a seminar for women in the United Republic of Tanzania.

20. In addition, ILO responded favourably to a number of applications for training fellowships for members of ANC and PAC.

21. In addition to the activities financed under multilateral and bilateral assistance to national liberation organizations, independent trade unions and women, other activities have been undertaken under ILO's regular technical cooperation budget, including a study on the qualifications and training needs of South African exiles, carried out jointly with the Commonwealth Secretariat; the participation of members of ANC and PAC in a subegional seminar on the creation of a resource centre against drug addiction and alcoholism; a study on aspects of wage policy in South Africa carried out by a trade union representative; a visit for study and consultation to ILO headquarters in Geneva for representatives of COSATU and NACTU.

22. ILO continued its efforts to disseminate information on the situation in South Africa and on its own work in that connection. The Special Report of the Director General on the Application of the Declaration concerning Action against Apartheid in South Africa, published for the 78th session of the International Labour Conference in 1991, has been widely distributed, and several reports on ILO's activities against apartheid have been prepared for meetings both inside and outside the United Nations system.

V. FREEDOM OF ASSOCIATION IN SOUTH AFRICA

23. In February 1991, the consent of the Government of South Africa was received to the referral to the Fact-Finding and Conciliation Commission on Freedom of Association of the complaint submitted in May 1988 by the Congress of South African Trade Unions (COSATU). At its May 1991 session, the Governing Body of the ILO appointed a panel of the Commission to investigate the allegations of violations of trade union rights in that country. This was in accordance with the procedure set out in the 1950 agreement between the United Nations Economic and Social Council (ECOSOC) and the ILO concerning the treatment of complaints alleging violations of trade union rights in Member States of the United Nations which are not members of ILO. The Commission held its first session in Geneva in October 1991, its second session in South Africa in February 1992, and its third session in Geneva in May 1992 at which it finalized its report and gave it to the Director General for transmission, through the Governing Body, to ECOSOC. At its May 1992 session, the Governing Body took note of the Commission's report, and formally transmitted it to ECOSOC for action at its 1992 Substantive Session (July 1992).

VI. SITUATION OF ARAB WORKERS IN THE OCCUPIED ARAB TERRITORIES

24. For the fourteenth consecutive year, three representatives of the Director General carried out a visit to Israel and the occupied Arab territories from 20 March to 1 April 1992. This visit was preceded, as usual, by a preparatory mission undertaken by two ILO officials to the Arab countries concerned in order to hold consultations with government authorities, employers' and workers' organizations as well as with the Palestine Liberation Organization (PLO). The report based on these missions examined the evolution of the situation of the Arab workers living in these territories and the measures taken, if any, by the Israeli authorities following the

recommendations made in previous reports. Taking into account the special context in which the situation was examined, the report considered the various aspects of equality of opportunity and treatment for workers of the occupied Arab territories with regard to the economy and the labour market, including taxation, education and training and employment opportunities, the conditions of work, including the social insurance system and the arrest of workers, the trade union situation, the situation in the Golan, the establishment of Israeli settlements and their impact on living and working conditions and the ILO programme of technical cooperation. For each item examined, a number of substantial conclusions and recommendations were made for the attention of the Israeli Government. The report on this subject appeared in an appendix to the Report of the Director General submitted to the International Labour Conference at its 79th session, in June 1992, 3/ which considered it at a special sitting.

25. The International Labour Office has had a technical cooperation programme for the Arabs in the occupied Arab territories since 1980. This programme is prepared and updated in line with the needs indicated by the beneficiaries themselves. To define these needs, the exchanges of views that take place during the missions to Israel, the occupied Arab territories and the Arab countries of the region are taken into consideration. All the parties concerned are consulted, as was the PLO in accordance with the resolutions of the United Nations General Assembly concerning assistance to the Palestinian people. In addition, the discussions held at inter-agency and other meetings concerning economic and social assistance extended to the Palestinian people under the auspices of the United Nations are also taken into consideration. At present the ILO is intensifying its action in three areas which, in view of the situation, are defined as priority areas: vocational training, trade union training and vocational rehabilitation of the handicapped.

VII. WOMEN WORKERS

26. Activities continue to be carried out across the ILO programme which promote equality of opportunity and treatment for men and women in employment. Among other activities, the Committee of Experts noted in its 1992 report that a number of countries had followed the advice it had given at an earlier session and requested the technical assistance of the International Labour Office in applying the Equal Remuneration Convention, 1951 (No. 100), and that this assistance was being provided.

27. In the Programme and Budget for the biennium 1994-1995, ILO has included a special Inter-Departmental Project to promote the achievement of equality of opportunity and treatment for women workers. Information will be provided in the next report on the achievements of this programme.

28. Cooperation with other organizations of the United Nations system continued to be active. ILO participated, as in the past, at the eleventh session of the Committee for the Elimination of Discrimination against Women, and took an active part in its deliberations. Close relations were maintained with other parts of the United Nations system as well, including the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and others. These relations were assured by various services of the Office, including the Special Advisers on Women's Issues.

VIII. MIGRANT WORKERS

29. Following the Gulf crisis, ILO has provided assistance to the United Nations Compensation Commission for Migrant Workers Affected by the Gulf Crisis. Also, a Regional Symposium on the Gulf Crisis was organized in Cha-am, Thailand, 21-22 May 1992, in which most Asian and Arab countries concerned with compensation participated.

30. Several technical cooperation activities resulted from the Gulf crisis. A UNDP-funded regional project on Support to Arab Migration Policies was launched, intended to help Arab countries (Egypt, Jordan, Lebanon, Sudan and Yemen) to design policies and to set up institutions and training with a view to getting a better grip on emigration and return flows of their citizens as well as better protection when they are abroad. The project aims at strengthening the capacity of Governments in the organization of migration flows. The five Arab beneficiary countries, six Asian countries and international and regional organizations dealing with migration issues took part in an interregional seminar on national policies and mechanisms to reintegrate labour migrants, held in Cairo, from 2 to 4 May 1992.

31. The Project on the Rehabilitation of Returning Workers from the Gulf is a comprehensive national programme which aims to strengthen the capability of the Sri Lankan Government in providing relief, training and employment to nearly 79,000 migrant workers who were repatriated from the Gulf as a result of the crisis. This 18-month project covers a broad scope of activities including the registration and counselling of migrants, overseas market promotion and development, the conduct of pre-departure orientation and skills training programmes. It is funded by UNDP and the Canadian and Swiss Governments. Similar projects have been designed for Egypt, Pakistan, the Philippines and Yemen.

32. In Asia, research and operational activities were carried out as part of a UNDP-financed regional project seeking to help migrant-sending countries in tackling migration-related problems such as the generation of statistics, the protection of women migrants, the productive utilization of remittances, etc. The project benefits 12 Asian countries whose citizens work in the Arab Middle East, Japan, Malaysia, etc. An Information Exchange Network forms part of it. In the Philippines, a project funded by the European Communities was carried out to help returned migrant workers or their wives to set up and run micro-enterprises in different parts of the country.

33. In Africa, a Norwegian-financed project in Mozambique attempts to organize ex-miners from South Africa in associations of irrigators in their home areas with a view to creating durable income-earning opportunities. In Mauritania, a project has been designed for artisanal training of Mauritanians repatriated from Senegal. A UNDP-financed project aimed at the mobilization of Cape Verdians' remittances will be implemented shortly. In Western Africa and Mahgreb countries, trade union officials will be trained in the rights of migrant workers so as to better enable them to protect their countrymen working abroad.

34. An informal tripartite round table was held on the problems and prospects faced by migrant workers from countries outside the European Economic Community in the Community after 1992. A study will be launched with respect to the integration of migrant workers in western Europe, focusing on the impact of integration policies.

35. An interregional project was launched to combat discrimination against migrant workers and ethnic minorities in the world of work. This project, to be funded largely by external sources, aims at tackling informal or de facto discrimination. Its objective is to reduce discrimination against migrant workers and ethnic minorities by informing policy makers, employers, workers and trainers engaged in anti-discrimination training on how legislative measures and training activities can be rendered more effective, based on an international comparison of the efficacy of such measures and activities.

36. A meeting was organized in May 1992, jointly with the Office of the United Nations High Commissioner for Refugees, on the possibilities of reducing emigration pressure through official development assistance. One of the outcomes of this meeting is a programme for employment creation in the Maghreb countries to be financed by the Italian Government.

37. The Mediterranean Information and Exchange System (MIES) groups together the 10 countries in the Mediterranean basin most directly concerned with regional migration issues. The MIES has two immediate objectives: to make it possible to observe and analyse, on a regular basis, the evolution of migratory movements between these countries; and to facilitate the circulation and exchange of information and experience between the countries concerned, in terms of both basic data and activities in progress or policies adopted specifically for the promotion of employment.

IX. COLLABORATION WITH OTHER INTERNATIONAL ORGANIZATIONS

38. The arrangements whereby ILO collaborates with other international organizations on questions concerning the supervision of international instruments and matters of interest to more than one organization continued to function, as in the past, in relation to discrimination in employment and occupation, indigenous and tribal peoples, migrant workers, forced labour and other questions falling within ILO's mandate. ILO regularly takes an active part in the United Nations Commission on Human Rights and in its Sub-Commission on the Prevention of Discrimination and Protection of Minorities, as well as the Sub-Commission's Working Groups on Indigenous Populations and on Contemporary Forms of Slavery. ILO also takes an active part in various treaty bodies established to supervise United Nations human rights instruments, such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women. ILO has also been working with the Committee on the Rights of the Child to define the participation of ILO in the supervisory procedures envisaged for the Convention on the Rights of the Child.

39. Another important aspect of collaboration is the establishment of ILO and the Centre for Human Rights of a joint working group for consultation and collaboration in relation to technical cooperation and human rights

questions. A number of important results have already been achieved, including increased participation in each other's activities for the dissemination of information on human rights, and improved arrangements for the sharing of information. Later in 19 , it is planned to hold the first joint training exercise for ILO staff and the staff of the Centre for Human Rights, in order to increase awareness among the officials of the two organizations.

Notes

1/ International Labour Conference, 79th session, 1992: Report III (Part 4A): Report of the Committee of Experts on the Application of Conventions and Recommendations. This annual report contains a review of the application by ratifying States of ILO Conventions, including those dealing with fundamental human rights questions which are related to many of the subjects discussed by the Sub-Commission including, e.g. freedom from discrimination, forced and compulsory labour, freedom of association, and indigenous and tribal peoples. Copies of the Committee's annual report are regularly furnished to the United Nations Centre for Human Rights and are available on request for members of the Sub-Commission.

2/ The report of this Committee is contained in the Record of Proceedings of each session of the Conference, which takes place in June of each year. It includes a detailed record of the discussion of each case submitted to it. Pending publication in final form in the Record of Proceedings, the report of the Conference Committee can be made available to members of the Sub-Commission in the form of a Provisional Record of the Conference.

3/ International Labour Conference, 79th session, 1992, Report of the Director General, Appendices (Vol. 2), Appendix II: Report on the situation of workers of the occupied Arab territories.